

BEFORE  
THE PUBLIC SERVICE COMMISSION OF  
SOUTH CAROLINA  
DOCKET NO. 2001-244-T - ORDER NO. 2003-473 ✓

JULY 25, 2003

|        |   |   |                 |
|--------|---|---|-----------------|
| IN RE: | Application of Brown-Thomas Corporation     | ) | ORDER APPROVING |
|        | d/b/a DunMar Movers Charlotte, 1301         | ) | WITHDRAWAL OF   |
|        | Westinghouse Blvd., Charlotte, NC 28273 for | ) | APPLICATION AND |
|        | Approval of the Transfer of its Class E     | ) | CANCELLING      |
|        | Certificate of Public Convenience and       | ) | CERTIFICATE     |
|        | Necessity No. 1207-G to Wayne Moving &      | ) |                 |
|        | Storage Company of North Carolina, Inc.     | ) |                 |

This matter comes before the Public Service Commission of South Carolina (“the Commission”) on the request of Wayne Moving & Storage Company of North Carolina, Inc. (“Wayne Moving” or the “Company”) to withdraw its Application for the transfer of Class E Certificate of Public Convenience and Necessity (“PC&N”) No. 1207-G and to cancel Class E Certificate of Public Convenience and Necessity No. 1207-G. The Certificate in question allows the transportation of household goods as defined in R. 103-210(1) between points and places in South Carolina.

By letter dated July 17, 2003, counsel for Wayne Moving requested that the Company be allowed to withdraw its pending Application for approval of the transfer of Class E Certificate of PC&N No. 1207-G and that the Certificate of PC&N No. 1207-G be cancelled.

A review of the record reveals that Docket No. 2001-244-T was initially established on the Application of Brown-Thomas Corporation d/b/a DunMar Movers Charlotte (“Brown Thomas”), filed with the Commission June 1, 2001, to transfer Class E Certificate of PC&N No. 1207-G to Brown-Thomas Corporation d/b/a Anthony Moving & Storage. Counsel for Brown Thomas and Wayne Moving, by letter of April 11, 2002, advised the Commission that an application of Brown Thomas and Wayne Moving (collectively, “the parties”) was pending whereby the parties were seeking Commission approval of the transfer of Brown Thomas’s Certificate of PC&N No. 1207-G to Wayne Moving. Due to the pending application, the parties’ counsel also requested that Certificate No. 1207-G not be revoked at that time by the Commission for Brown Thomas’s failure to maintain proper insurance on file with the Commission. Accordingly, the Commission issued Order No. 2002-287, dated April 17, 2002, suspending Brown Thomas’s authority under Certificate No. 1207-G.

Thereafter, Brown Thomas and Wayne Moving filed a Supplemental Application with the Commission on May 9, 2002, requesting approval for the transfer of Certificate of PC&N No. 1207-G from Brown Thomas to Wayne Moving. A hearing on the Supplemental Application was held on August 15, 2002 in the offices of the Commission. The Supplemental Application for the transfer of the Certificate in question was approved, and the Commission issued Order No. 2002-597, “Order Approving Transfer of Certificate,” on August 23, 2002. By Order No. 2002-597, Wayne Moving was ordered to file the proper license fees and other information required by S.C. Code Ann. Section 58-23-10 et seq., as amended, and by R. 103-100 through R. 103-241 of the

Commission's Rules and Regulations for Motor Carriers, S.C. Code Ann. Vol. 26 (1976), as amended, and R. 38-400 through R. 38-503 of the Department of Public Safety's Rules and Regulations for Motor Carriers, S.C. Code Ann. Vol. 23A (1976), as amended, within sixty (60) days of the date of Order No. 2002-597, or within such additional time as may be authorized by the Commission. As of July 14, 2003, Wayne Moving had not complied, as required, with the Commission's Rules and Regulations to file the appropriate tariff and evidence of a satisfactory safety rating from the State Transport Police or a signed safety certification document. Wayne Moving's counsel was sent notification on July 14, 2003, from the Commission's Transportation Department of Wayne Moving's noncompliance and Wayne Moving was given until August 4, 2003, to come into compliance. Subsequently, counsel for Wayne Moving filed a request on July 17, 2003, to withdraw the pending application of Brown Thomas and Wayne Moving and to cancel Class E Certificate of PC&N No. 1207-G transferred to Wayne Moving.

Upon consideration of this matter, the Commission concludes that the request of Wayne Moving to withdraw its Application should be granted, and Certificate of PC&N No. 1207-G should be cancelled.

IT IS THEREFORE ORDERED THAT:

1. The request of Wayne Moving & Storage Company of North Carolina, Inc. to withdraw its Application for the transfer of Class E Certificate of Public Convenience and Necessity No. 1207-G to transport household goods between points and places State of South Carolina is granted, and Class E Certificate of Public Convenience

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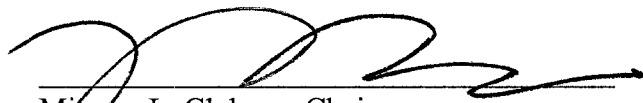
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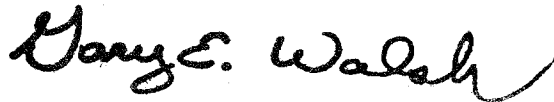
and Necessity No. 1207-G transferred to Wayne Moving & Storage Company of North Carolina, Inc. by Order No. 2002-597 is hereby cancelled.

2. This Order shall remain in full force and effect until further Order of the Commission.

BY ORDER OF THE COMMISSION:

  
Mignon L. Clyburn, Chairman

ATTEST:



Gary E. Walsh, Executive Director

(SEAL)